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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/711,296	09/09/2004	Masaaki Takamiya	RSW920040103US1	5295

25259 7590 05/14/2007	EXAMINER
IBM CORPORATION	ALI, OMAR R
3039 CORNWALLIS RD.	
DEPT. T81 / B503, PO BOX 12195	ART UNIT / PAPER NUMBER
REASEARCH TRIANGLE PARK, NC 27709	2109

NOTIFICATION DATE	DELIVERY MODE
05/14/2007	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

RSWIPLAW@us.ibm.com

	Application No.	Applicant(s)
Office Action Summary	10/711,296	TAKAMIYA, MASAAKI
	Examiner	Art Unit	
	Omar Abdul-Ali	2109	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>09 September 2004</u>.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>1-18</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>1-18</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on <u>25 October 2004</u> is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>09/04</u>.

4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____ .

DETAILED ACTION

The following action is in response to the original filing of September 9, 2004. Claims 1-

18 are pending and have been considered below.

Claim Rejections - 35 USC § 101

1.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of
> matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the
> conditions and requirements of this title.

2.   Claims 1-6 are rejected under 35 U.S.C. 101 because the claimed invention is

directed to non-statutory subject matter.

        Claims 1-6 are drawn to a computer program per se. A computer program is not

a series of steps or acts and this is not a process. A computer program is not a physical

article or object and as such is not a machine or manufacture. A computer program is

not a combination of substances and therefore not a compilation of matter. Thus, a

computer program by itself does not fall within any of the four categories of invention.

Therefore, Claims 1-6 are not statutory.

Claim Rejections - 35 USC § 112

1.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly
> claiming the subject matter which the applicant regards as his invention.

2.   Claim 4 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite

for failing to particularly point out and distinctly claim the subject matter which applicant

regards as the invention. Claim 4 recites the limitation "the Java applet". There is

insufficient antecedent basis for this limitation in the claim. Appropriate correction is

required.

Claim Rejections - 35 USC § 102

3.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4.   Claims 1-3, 5-9, 11-15, 17, and 18 are rejected under 35 U.S.C. 102(e) as being

anticipated by <u>Saidenberg et al.</u> (US 2004/0003347).

Claims 1, 7, and 13: <u>Saidenberg</u> discloses a system and method for displaying a user

interface according to user interface properties carried in a style sheet, comprising:

a. retrieving the style sheet having user interface properties (page 12, paragraph

96);

b. retrieving software instructions(sequences of instructions) to be executed on a

client machine (page 5, paragraph 48);

c. retrieving a script for providing said software instructions access to the style

sheet (page 12, paragraph 98);

d. executing said software instructions on the client machine, said software instructions calling the script to retrieve user interface properties, said software instructions, when executed, displaying a user interface screen in accordance with the retrieved user interface properties (page 12, paragraph 100).

Claims 2, 8, and 14: Saidenberg discloses a system and method for displaying a user interface according to user interface properties carried in a style sheet as in Claims 1, 7, and 13 above, further comprising:

a. the software instructions are disposed in a Java applet (page 5, paragraph 48).

Claims 3, 9, and 15: Saidenberg discloses a system and method for displaying a user interface according to user interface properties carried in a style sheet as in Claims 1, 7, and 13 above, further comprising:

a. the script is a JavaScript (page 12, paragraph 96).

Claims 5, 11, and 17: Saidenberg discloses a system and method for displaying a user interface according to user interface properties carried in a style sheet as in Claims 1, 7, and 13 above, further comprising:

a. a portal application server for delivering the style sheet, the script, and the software instructions (page 12, paragraph 100).

Claims 6, 12, and 18: Saidenberg discloses a system and method for displaying a user

interface according to user interface properties carried in a style sheet as in Claims 1, 7,

and 13 above, further comprising:

    a. the portal application server generates HTML having user interface

components and associates the generated HTML with the style sheet, the system

further comprising: a browser for displaying the user interface components according to

the style sheet (page 4, paragraph 35/page 12, paragraph 100).

Claim Rejections - 35 USC § 103

5.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

6.   Claims 4, 10, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Saidenberg et al. (US 2004/0003347).

Claims 4, 10, and 16: Saidenberg discloses a system and method for displaying a user

interface according to user interface properties carried in a style sheet as in Claims 3, 9,

and 15 above, but does not explicitly disclose the Java applet utilizes a Java-JavaScript

API to call the JavaScript. However, Saidenberg does disclose using an application API

(page 11, paragraph 88). Additionally, the Examiner considers it immaterial as to which

programming language API is used, and it would have been obvious to one having

ordinary skill in the art at the time the invention was made to use a Java-JavaScript API

to call the JavaScript. One would have been motivated to enable the applet to use a

Java-JavaScript API to call the JavaScript in view of the fact the API is used to support

requests for services, and Java is a widely used programming language throughout the
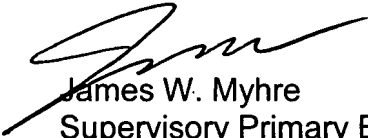
internet and World Wide Web (WWW).

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Omar Abdul-Ali whose telephone number is 571-270-

1694. The examiner can normally be reached on Mon-Fri(Alternate Fridays Off) 7:30 -

5:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, James Myhre can be reached on 571-270-1065. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

OAA
05/01/2007

James W. Myhre
Supervisory Primary Examiner
Lab-5